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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058143
Party	Defendant D-Minor, Inc.
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Submission	Answer
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Date	09/03/2014
Attachments	AMENDED ANSWER-SEPT3.pdf(37419 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VAN DE WALL B.V.,

Petitioner,

v.

D-MINOR, INC.,

Registrant.

Mark: AFROJACKS

Canc. No.: 92058143

Reg. No.: 3,556,451

AMENDED ANSWER TO AMENDED PETITION TO CANCEL

Registrant D-MINOR, INC. ("Registrant"), a New York corporation having an address of 333 East 75th Street, New York, NY 10021, answers as follows:

1. Registrant admits the allegations of paragraph 1.
2. Registrant admits the allegations of paragraph 2.
3. Registrant admits Registrant is the record owner of U.S. Registration No. 3,556,451 and denies allegations not consistent therewith.
4. Registrant admits U.S. Registration No. 3,556,451 registered on January 6, 2009.
5. Registrant is without sufficient information to admit or deny the allegations of paragraph 5. Accordingly, allegations of paragraph 5 are denied.
6. Registrant denies the allegations of paragraph 6.
7. Registrant is without sufficient information to admit or deny the allegations of paragraph 7. Accordingly, allegations of paragraph 7 are denied.
8. Registrant is without sufficient information to admit or deny the allegations of paragraph 8. Accordingly, allegations of paragraph 8 are denied.
9. Registrant is without sufficient information to admit or deny the allegations of

paragraph 9. Accordingly, allegations of paragraph 9 are denied.

10. Registrant is without sufficient information to admit or deny the allegations of paragraph 10. Accordingly, allegations of paragraph 10 are denied.

11. Registrant is without sufficient information to admit or deny the allegations of paragraph 11. Accordingly, allegations of paragraph 11 are denied.

12. Registrant is without sufficient information to admit or deny the allegations of paragraph 12. Accordingly, allegations of paragraph 12 are denied.

13. Registrant denies the allegations of paragraph 13.

14. Registrant is without sufficient information to admit or deny the allegations of paragraph 14. Accordingly, allegations of paragraph 14 are denied.

15. Registrant is without sufficient information to admit or deny the allegations of paragraph 15. Accordingly, allegations of paragraph 15 are denied.

16. Registrant denies the allegations of paragraph 16.

17. Registrant denies the allegations of paragraph 17.

18. Registrant denies the allegations of paragraph 18.

19. Registrant owns the AFROJACKSMUSIC.COM website and denies the remaining allegations of paragraph 19.

20. Registrant denies the allegations of paragraph 20.

21. Registrant denies the allegations of paragraph 21.

22. Registrant is without sufficient information to admit or deny the allegations of paragraph 22. Accordingly, allegations of paragraph 22 are denied.

23. Registrant is without sufficient information to admit or deny the allegations of paragraph 23. Accordingly, allegations of paragraph 23 are denied.

24. Registrant denies the allegations of paragraph 24.

25. Registrant denies the allegations of paragraph 25.

AFFIRMATIVE DEFENSES

1. Petitioner has no right, unlike Registrant, to use and/or register in the United States, the AFROJACK mark for the goods/services listed in the marks cited by Petitioner as basis for cancellation.
2. Upon information and belief, Petitioner lacks priority with respect to the marks cited by Petitioner as basis for cancellation.
3. Upon information and belief, any use of the mark AFROJACK by Petitioner VAN DE WALL B.V. ("Petitioner") prior to that of Registrant is untrue. Upon information and belief, only after Registrant initiated its use of the AFROJACK mark and AFROJACKS mark, that is subject to the Registration at issue, did the Petitioner use the AFROJACK mark for its services to encroach upon those of Registrant.
4. Wherefore, Registrant D-Minor, Inc. prays that:
 - a. judgment be entered herein in favor of Registrant and against Petitioner; andthe Petition to Cancel be denied and dismissed with prejudice.

Respectfully submitted,



Leslie A. Thompson
Counsel for Registrant
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September 2, 2014

CERTIFICATE OF SERVICE

I, Leslie A. Thompson, hereby certify that on the 3rd day of September 2014, a true and accurate copy of the REGISTRANT'S AMENDED ANSWER TO AMENDED PETITION TO CANCEL was sent to counsel for Petitioner by first class mail, postage prepaid, addressed to:

Kurosh Nasser
Law Offices of Kurosh Nasser PLLC
3207A M Street, NW
Washington, D.C. 20007

I also hereby certify that on this 3rd day of September 2014, a true and accurate copy of the aforementioned ANSWER was also sent to counsel for Petitioner via electronic mail to:

babatunde@kurosh.net

mail@kurosh.net



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